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Attorneys for Defendants

VXN GROUP LLC and MIKE MILLER

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

MACKENZIE ANNE THOMA,
a.k.a. KENZIE ANNE, an
individual and on behalf of all
others similarly situated,

Plaintiff,

v.

VXN GROUP LLC, a Delaware
limited liability company; MIKE
MILLER, an individual; and DOES
1 to 100, inclusive,

Defendants.

Case No. **2:23-cv-04901 WLH (AGR_x)**

**DECLARATION OF TREY BROWN
IN SUPPORT OF DEFENDANTS'
MOTION FOR SANCTIONS
PURSUANT TO RULE 37(e) AND THE
COURT'S INHERENT POWER**

Complaint Filed: April 20, 2023
Removed: June 21, 2023

DECLARATION OF TREY BROWN

I, Trey Brown, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am In-House counsel for Defendant VXN Group, LLC (“VXN”), as well as an attorney of record for VXN and Defendant Mike Miller in this matter. I am personally familiar with, and, if called upon, could and would testify to the facts contained herein from my personal knowledge

2. A true and correct copy of excerpts from Macenzie Anne Thoma’s (a.k.a. Kenzie Anne) deposition transcript is attached hereto as “Exhibit A” (“*Thoma Depo.*”).

3. A true and correct copy of excerpts from Ryan Murphy’s (a.k.a. Ryan Kona) deposition transcript is attached hereto as “Exhibit B” (“*Murphy Depo.*”).

4. A true and correct copy of excerpts from Larry Lerner’s deposition transcript is attached hereto as “Exhibit C” (“*Lerner Depo.*”).

5. A true and correct copy of Ms. Thoma’s “Record Request for Mackenzie Anne Thoma” is attached hereto as “Exhibit D.”

6. A true and correct copy of VXN’s response to the above letter is attached hereto as “Exhibit E.”

7. A true and correct copy of Murphy’s production of text messages between him and Ms. Thoma is attached hereto as “Exhibit F.”

8. A true and correct copy of Murphy’s supplemental production of text messages between him and Ms. Thoma, taken from Ms. Thoma’s phone, is attached hereto as “Exhibit G.”

9. A true and correct copy of Defendants’ email correspondence with Mainboard on June 13, 2024 and June 18, 2024 is attached hereto as “Exhibit H.”

10. A true and correct copy of Defendants’ Notice of Intent to Serve Subpoena on Ryan Murphy is attached hereto as “Exhibit I.”

11. A true and correct copy of Defendants' Subpoenas served on Ryan Murphy is attached hereto as "Exhibit J."

12. A true and correct copy of Plaintiff's letter to Ryan Murphy on May 29, 2024, is attached hereto as "Exhibit K."

13. A true and correct copy of Ryan Murphy's Responses to Defendants' Notice of Intent to Serve Subpoena (June 7, 2024), is attached hereto as "Exhibit L."

14. A true and correct copy of Defendants' correspondence with Meta Platforms, Inc. is attached hereto as "Exhibit M."

15. A true and correct copy of Ryan Murphy's Supplemental Responses to Defendants' Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action is attached hereto as "Exhibit N."

16. A true and correct copy of Ryan Murphy's Second Supplemental Responses to Defendants' Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action is attached hereto as "Exhibit O."

17. A true and correct copy of Ryan Murphy's Privilege Log is attached hereto as "Exhibit P."

18. A true and correct copy of Ms. Thoma's Responses to Defendant VXXN Group, LLC's Requests for Production of Documents is attached hereto as "Exhibit Q."

19. A true and correct copy of Plaintiff's and Defendants' counsel's emails is attached hereto as "Exhibit R."

20. A true and correct copy of Plaintiff's email to Larry Lerner is attached hereto as "Exhibit S."

21. A true and correct copy of Plaintiff's Request for Production in the state action is attached hereto as "Exhibit T."

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22. A true and correct copy of portions of the transcript from the July 19, 2024, Information Discovery Conference is attached hereto as “Exhibit U.”

23. Plaintiff’s counsel declined to substantiate or produce proof of the alleged death threat made on Murphy when Defendants asked.

24. Murphy did not attend the deposition that was originally scheduled.

25. A true and correct copy of Plaintiff’s Requests for Production of Documents (Set One) is attached hereto as “Exhibit T.”

26. Defendants served a subpoena on Oscar Hernandez to attend a reposition on August 27, 2024, but the witness failed to appear.

27. By the close of discovery Murphy did not produce any of the materials he said he “will produce” in his Supplemental Responses save for some of his text messages with Plaintiff.

28. By the close of discovery, Ms. Thoma did not produce any materials, documents, or communications in support of her claim that she was an employee and a model for VXN.

29. The parties met and conferred regarding the motion on October 31, 2024, and were unable to resolve the dispute.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on November 12, 2024, at Los Angeles, California.

/s/ Trey Brown
Trey Brown